

Attorney's  
Docket  
Number BBI-013CP2

Declaration, Petition and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**ANIMALS TRANSGENIC FOR A TETRACYCLINE-CONTROLLED  
TRANSCRIPTIONAL ACTIVATOR**

the specification of which

(check one)

       is attached hereto.

X was filed on June 7, 1995 as

Application Serial No. 08/481,970

and was amended on \_\_\_\_\_  
(if applicable)

I do not know and do not believe that the subject matter of this application was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an issued inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the specification and claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

## PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one:

no such applications have been filed.

such applications have been filed as follows

### EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<u> </u> Yes <u> </u> No <u> </u>
			<u> </u> Yes <u> </u> No <u> </u>
			<u> </u> Yes <u> </u> No <u> </u>
			<u> </u> Yes <u> </u> No <u> </u>
			<u> </u> Yes <u> </u> No <u> </u>

### ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION


## CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application, that the said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

<u>08/260,452</u> (Application Serial No.)	<u>June 14, 1994</u> (Filing Date)	<u>Pending</u> (Status) (patented,pending,aband.)
<u>08/076,327</u> (Application Serial No.)	<u>June 14, 1993</u> (Filing Date)	<u>abandoned</u> (Status) (patented,pending,aband.)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

John A. Lahive, Jr.	Reg. No. 19,788	John V. Bianco	Reg. No. 36,748
W. Hugo Liepmann	Reg. No. 20,407	Jeremiah Lynch	Reg. No. 17,425
James E. Cockfield	Reg. No. 19,162	Amy E. Mandragouras	Reg. No. 36,207
Thomas V. Smurzynski	Reg. No. 24,798	Elizabeth A. Hanley	Reg. No. 33,505
Ralph A. Loren	Reg. No. 29,325	Matthew P. Vincent	Reg. No. 36,709
Thomas J. Engellenner	Reg. No. 28,711	Paul Louis Myers	Reg. No. 35,965
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Michael I. Falkoff	Reg. No. 30,833	Jean M. Silveri	Reg. No. 39,030
Ann Lamport Hammitte	Reg. No. 34,858	Mark A. Kurisko	Reg. No. 38,944
		Edward J. Kelly	Reg. No. 38,936

and to: Joseph D. Michaels, Reg. No. 22,737  
BASF Bioresearch Corporation  
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Worcester, MA 01605-4314

Giulio A. DeConti, Lahive & Cockfield, 60 State Street, Boston, Massachusetts 02109

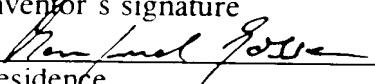
Direct Telephone Calls to: (name and telephone number)

Giulio A. DeConti, (617) 227-7400

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Hermann Bujard	Date
Inventor's signature	
Residence Remler Str. 9, D-69120 Heidelberg, Germany	
Citizenship Germany	
Post Office Address (if different)	

Full name of second inventor, if any Manfred Gossen	
Inventor's signature 	Date 8/27/95
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Citizenship Germany	
Post Office Address (if different)	

Full name of third inventor, if any Jochen G. Salfeld	
Inventor's signature	Date
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Citizenship Germany	
Post Office Address (if different)	

Full name of fourth inventor, if any Jeffrey W. Voss	
Inventor's signature	Date
Residence 6 Pinecroft Avenue, West Boylston, MA 01583	
Citizenship USA	
Post Office Address (if different)	

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Ann Lamport Hammitt	Reg. No. 34,858	Mark A. Kurisko	Reg. No. 38,944
		Edward J. Kelly	Reg. No. 38,936

and to: Joseph D. Michaels, Reg. No. 22,737  
BASF Bioresearch Corporation  
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Worcester, MA 01605-4314

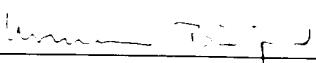
Giulio A. DeConti, Lahive & Cockfield, 60 State Street, Boston, Massachusetts 02109

Direct Telephone Calls to: (name and telephone number)

Giulio A. DeConti, (617) 227-7400

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Hermann Bujard		Date
Inventor's signature 		8/27/95
Residence Remler Str. 9, D-69120 Heidelberg, Germany		
Citizenship Germany		
Post Office Address (if different)		

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Inventor's signature	Date
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Citizenship Germany	
Post Office Address (if different)	

Full name of third inventor, if any Jochen G. Salfeld	
Inventor's signature	Date
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Citizenship Germany	
Post Office Address (if different)	

Full name of fourth inventor, if any Jeffrey W. Voss	
Inventor's signature Jeffrey W. Voss	Date 082375
Residence 6 Pinecroft Avenue, West Boylston, MA 01583	
Citizenship USA	
Post Office Address (if different)	